

# Agenda Item Form

Agenda Date: 05/25/04

Districts Affected: \_\_\_\_\_

Dept. Head/Contact Information: Becky Duval-Reese or Dr. Marc Thompson/755-4332

## Type of Agenda Item:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Resolution            | <input type="checkbox"/> Staffing Table Changes   | <input type="checkbox"/> Board Appointments        |
| <input type="checkbox"/> Tax Installment Agreements       | <input type="checkbox"/> Tax Refunds              | <input type="checkbox"/> Donations                 |
| <input type="checkbox"/> RFP/ BID/ Best Value Procurement | <input type="checkbox"/> Budget Transfer          | <input type="checkbox"/> Item Placed by Citizen    |
| <input type="checkbox"/> Application for Facility Use     | <input type="checkbox"/> Bldg. Permits/Inspection | <input type="checkbox"/> Introduction of Ordinance |
| <input type="checkbox"/> Interlocal Agreements            | <input type="checkbox"/> Contract/Lease Agreement | <input type="checkbox"/> Grant Application         |
| <input type="checkbox"/> Other _____                      |   |  |

## Funding Source:

- ☐ General Fund
- ☐ Grant (duration of funds: \_\_\_\_\_ Months)
- ☒ Other Source: Museum store sales.

## Legal:

- ☐ Legal Review Required      Attorney Assigned (please scroll down): John Nance      ☒ Approved      ☐ Denied

Timeline Priority:   ☐ High      ☒ Medium      ☐ Low      # of days: \_\_\_\_\_

## Why is this item necessary:

Research project for professional publication and new exhibit.

## Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:

Travel Funds

## Statutory or Citizen Concerns:

None

## Departmental Concerns:

None

**El Paso Museum of Archaeology**

***Backup Memo***

**Date:** 19 May 2004

**To:** Mayor, City Council Representatives, City Attorney, Becky Duval-Reese, and Debbie Hamlyn

**From:** Dr. Marc Thompson, Deputy Museums Director

**Subject:** Resolution for a Right-of-entry agreement

The museum has made arrangements, subject to Council approval, for museum personnel to digitally record, for publication and exhibit purposes, a rare rock art (petroglyph) site on private property in Grant County, New Mexico. The recording team will provide vehicles, equipment and expertise for the project on their own time. Cost to the City (mileage, lodging and meals only) is \$1,126.00 for three museum employees and one Museum Research Associate generated from sales in the museum store.

2004 MAY 19 PM 4 47  
CITY CLERK DEPARTMENT

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Right-of-Entry Agreement with Gertrude Delk to permit personnel from the El Paso Museum of Archaeology at Wilderness Park to map and digitally record examples of rock art on premises owned by Ms. Delk in Grant County, New Mexico, for two days during the period May 31 to June 14, 2004.

ADOPTED this 25<sup>th</sup> day of May, 2004.

ATTEST:

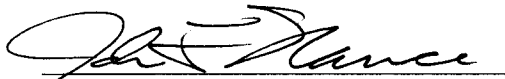
THE CITY OF EL PASO

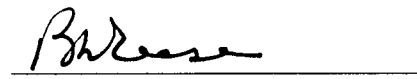
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

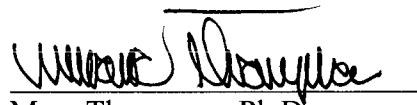
\_\_\_\_\_  
Joe Wardy  
Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT

  
\_\_\_\_\_  
John F. Nance  
Assistant City Attorney

  
\_\_\_\_\_  
Becky Duval Reese  
Museums Director

  
\_\_\_\_\_  
Marc Thompson, Ph.D.  
Deputy Museums Director

5. The site affected by this permit or right of entry is on the property of Owner located in the State of New Mexico, County of Grant, T17S, R12W, near the town of Hanover, New Mexico.

6. This permit shall be binding upon the Owner and all present and future owners and occupants of the site and anyone claiming under the Owner, his heirs, executors, administrators, successors and assigns, as owners or occupants of the site or otherwise.

WITNESS MY HAND AND SEAL this 18<sup>th</sup> day of May, 2004.

OWNER:

Gertrude Deik  
GERTRUDE DEIK  
(printed name)

ATTEST:

THE CITY OF EL PASO

Richarda Duffy Momsen  
City Clerk

Joe Wardy  
Mayor

APPROVED AS TO FORM:

John F. Nance  
John F. Nance  
Assistant City Attorney

APPROVED AS TO CONTENT

Becky Duval Reese  
Becky Duval Reese,  
Museums Director

Marc Thompson  
Marc Thompson, Ph.D.  
Deputy Museums Director

(Acknowledgments on following page)

COUNTY OF EL PASO     )  
  )  
STATE OF TEXAS         )

**RIGHT-OF-ENTRY AGREEMENT**

This Agreement is by and between Gertrude Delk, hereinafter referred to as “the Owner,” and the City of El Paso, hereinafter referred to as “the City.”

1. The Owner hereby grants to the City, its agents, employees, and subcontractors an irrevocable right to enter upon the site hereinafter described during the period of May 31 to June 14, 2004, for no more than two consecutive days, for the purposes of recording with digital imagery petroglyphs (rock art) located in the mouth of a shallow cave at the site. The City shall further have the right to document the location with a total station survey instrument and global positioning system and to produce an accurate scale drawing for comparison with the digital images. No artifacts will be removed from the site.

2. This permit includes the right of ingress and egress on other properties of the Owner not described below, provided such ingress and egress is necessary and not otherwise conveniently available to the City, its agents, employees or contractors.

3. All tools, equipment, and other property taken upon or placed upon the site by the City, its agents, employees and subcontractors shall remain the property of the City, its agents, employees and subcontractors and shall be removed at the end of each day, if possible and practicable.

4. The City agrees to be responsible for damages arising from the activity of the City, its agents, employees, or subcontractors on said site, in the exercise of rights under this permit or right of entry, either by repairing such damage or, at the option of the City, by making an appropriate settlement with the Owner in lieu thereof.

(Acknowledgment)

STATE OF NEW MEXICO                    )  
  )  
COUNTY OF GRANT )

This instrument was acknowledged before me on the 18<sup>th</sup> day of May, 2004, by Gertrude Meli, as Owner.

Notary's Commission Expires: 2-20-08

Barbara Davis  
Notary Public, State of New Mexico  
Barbara Davis  
Notary's name (printed)

(Acknowledgment)

STATE OF TEXAS                        )  
  )  
COUNTY OF EL PASO                )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2004, by Joe Wardy, as Mayor of the City of El Paso, Texas.

Notary's Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas  
\_\_\_\_\_  
Notary's name (printed)